

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

January 21, 2016

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, January 21, 2016 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Carol Neugent, Chair; David Dennis, Vice Chair; John Dailey; Bob Dool; Bill Ellison; David Foster; Matt Goolsby; Joe Johnson; John McKay Jr.; Debra Miller Stevens; Bill Ramsey; Lowell Richardson; John Todd and Chuck Warren. Staff members present were: Dale Miller, Director; Jess McNeely, Senior Planner; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Derrick Slocum, Associate Planner; Jeff Vanzandt, Assistant City Attorney; Justin Waggoner, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the December 17, 2015 and January 7, 2016 Planning Commission Minutes.

MOTION: To approve the December 17, 2015 minutes.

DENNIS moved, **MCKAY** seconded the motion, and it carried (10-0-2). **ELLISON** and **NEUGENT** – Abstained.

MOTION: To approve the January 7, 2016 minutes.

MCKAY moved, **DENNIS** seconded the motion, and it carried (12-0).

2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**
 - 2-1. **SUB2015-00029: Final Plat - SOUTHBOROUGH ESTATES 2ND SUBDIVISION ADDITION**, located south of 47th Street South, on the West side of Meridian.

NOTE: This is a replat of a portion of Southborough Estates Addition. A zone change (ZON2015-00046) has been approved from Manufactured Home (MH) to Limited Commercial (LC) and a conditional use (CON2015-00034) for manufactured home sales.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department requests the extension of water (distribution) and sewer (laterals). In-lieu-of-assessment fees are needed on mains and transmission.
- B. The plat proposes one opening along Meridian. County Public Works has approved the access controls.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. City Stormwater Management has approved the drainage and grading concept. County Stormwater requests the drainage plan.

- E. The 20-foot building setback needs to extend to the west property line of Lot 1.
- F. An access agreement has been submitted regarding the private street.
- G. In the signature blocks, the year 2015 needs changed to 2016.
- H. “Stormwater” needs to be spelled as one word in the plat’s text.
- I. This property is within a zone identified by the City Engineer’s office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer’s office.
- J. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- K. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- L. The plat’s text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer and unobstructed to allow for the conveyance of stormwater.
- M. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- O. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant’s responsibility to contact all appropriate agencies to determine any such requirements.

- Q. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- T. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

JOHNSON moved, **RAMSEY** seconded the motion, and it carried (13-0-1).

FOSTER – Abstained.

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- 2-2. SUB2015-00044: One-Step Final Plat - QUIK TRIP 20TH ADDITION**, located on the northwest corner of Pawnee and Meridian.

NOTE: This is a replat of the QuikTrip 7th Addition and the Southwest Industrial Addition.

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the site is currently being served by water and sewer.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.
- D. The plat proposes one opening along Pawnee and three openings along Meridian. Traffic Engineering has approved access controls subject to a cross-lot access agreement with the property owner to the north. In lieu of a cross-lot access agreement, a unilateral agreement or restrictive covenant may be submitted.

- E. Traffic Engineering has approved the 50-foot right-of-way along Pawnee and Meridian with an adjoining 10-foot sidewalk, drainage and utility easement. The easement along Meridian needs labelled accordingly.
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- G. This property is within a zone identified by the City Engineer's office as likely to have groundwater at some or all times within ten feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineer's office.
- H. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- I. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- J. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- K. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- M. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- R. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

JOHNSON moved, **RAMSEY** seconded the motion, and it carried (14-0).

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- 2-3. **SUB2015-00045: One-Step Final Plat - HIEGER EAST 2ND ADDITION**, located east of 247th Street West, on the North side of 61st Street North (COUNTY)

CHAIR NEUGENT announced that the item has been deferred to the February 4, 2016 Planning Commission Meeting.

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- 2-4. **SUB2015-00048: One-Step Final Plat - REGENCY LAKES COMMERCIAL 4TH ADDITION**, located on the northwest corner of 21st Street North and Greenwich.

NOTE: This is a replat of Lot 1 of the Regency Lakes Commercial 3rd Addition to add a reserve within the lot. This site is subject to the Regency Lakes Commercial Community Unit Plan (CUP DP-234).

STAFF COMMENTS:

- A. City of Wichita Public Works and Utilities Department advises that the site is currently being served by water and sewer.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. City Stormwater Management has approved the applicant's drainage plan.

- D. Traffic Engineering has approved the access controls. The plat proposes a right-in/right-out drive along both 21st Street North and Greenwich. A cross-lot access agreement has been recorded with the property to the north.
- E. Provisions shall be made for ownership and maintenance of the proposed reserves. A restrictive covenant shall be submitted regarding ownership and maintenance responsibilities.
- F. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- G. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- H. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- I. City Environmental Health Division advises that any wells installed on the property for irrigation purposes will have to be properly permitted and inspected.
- J. County Surveying and MAPD requests review of a pdf prior to mylar submittal. Send to tricia.robello@sedgwick.gov and nstrahl@wichita.gov.
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. Prior to development of the plat, the applicant is advised to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) in order to receive mail delivery without delay, avoid unnecessary expense and determine the type of delivery and the tentative mailbox locations.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Route 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Stormwater Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Any removal or relocation of existing equipment of utility companies will be at the applicant's expense.
- S. A compact disk (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. Please include the name of the plat on the disk. If a disk is not provided, please send the information via e-mail to Kathy Wilson (e-mail address: kwilson@wichita.gov).

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

JOHNSON moved, **RAMSEY** seconded the motion, and it carried (14-0).

3. **PUBLIC HEARING – VACATION ITEMS**

3-1. **VAC2015-00061: City request to vacate a portion of McComas Avenue public street right-of-way**, generally located between Harry Street and Walker Avenue

APPLICANT: Foley Industries Inc., c/o Lewis Erickson (applicant)

LEGAL DESCRIPTION: Generally described as vacating that part of the 60-foot wide McComas Avenue located between Harry Street and Walker Avenue, except the north 150 feet, Wichita, Sedgwick County, Kansas

LOCATION: Generally located one block east of West Street, between Harry Street and Walker Avenue (WCC V)

REASON FOR REQUEST: Expansion of Foley Industries

CURRENT ZONING: All abutting and adjacent properties are zoned LI Limited Industrial

The applicant is requesting the vacation of that portion of the 60-foot wide McComas Avenue public street right-of-way located between Harry Street and Walker Avenue, except the north 150 feet. The applicant owns all of the abutting property except the property located on the southwest corner of Walker Street and McComas Avenue. The vacation request would not deny any properties access to public street right-of-way. The applicant proposes to fence off this portion of McComas to allow the moving of materials and machinery across McComas Avenue, without contending with thru traffic. The vacation will also provide additional security on their site. Public water lines, water valves, water nodes, sewer lines, sewer manholes and hydrants are located in the McComas Avenue right-of-way. Utility poles are located in the McComas Avenue right-of-way.

McComas Avenue is a paved two-lane road with a full curb and is the longest north-south street in the section of LI Limited Industrial zoned land located between Harry Street (south end) – West Street (west side) – railroad right-of-way (east side) - Kellogg/US-54 . McComas Avenue allows vehicular traffic access to the intersection of Harry and West Streets, which is a controlled intersection with traffic lights. Harry Street is an east-west, paved, curbed two-lane arterial. West Streets is a north-south, paved four-lane arterial. The Harry and West Streets intersection is the only intersection with traffic lights on this portion of West Street located between the Kellogg/US-54–West Street interchange (located approximately ½-mile north) and the West Street-K-42 intersection (located approximately a mile south).

Beginning the week of January 4 – January 8, the Kellogg/US-54–West Street interchange will be closed for up to a year or longer. The temporary closure of the Kellogg/US-54–West Street interchange leaves the nearest access onto Kellogg/US-54 located east via McCormick Avenue or Harry Street to the Southwest Boulevard/Edwards Avenue- Kellogg/US-54 interchange. This portion of McCormick Avenue is a local street that runs through the Newman University campus. McCormick is designed to slow vehicular traffic as it goes through the Newman campus to the Southwest Boulevard/Edwards Avenue- Kellogg/US-54 interchange. The two-lane arterial Harry Street provides the best route to the Southwest Boulevard/Edwards Avenue- Kellogg/US-54 interchange. During the time that the Kellogg/US-54–West Street interchange is closed the City will be studying improvements to traffic circulation in this area disrupted by the temporary closure of the Kellogg/US-54–West Street interchange. These improvements may be temporary or permanent, all with the goal of improving circulation for the businesses in this area including, but not limited to, Foleys, Star Lumber's receiving and shipping center, Concrete Accessories, Helten Enterprises, P B Hoidale Company, and Atlas Spring & Axle Company. One temporary improvement will include placing traffic lights at the Walker – West Streets intersection.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from City Public Works, Water & Sewer, Stormwater, Traffic, Fire, franchised utility representatives and other interested parties, Planning Staff has listed the following considerations (but not limited to) associated with the request to vacate the described public street right-of-way.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time December 17, 2015, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by vacating the described public street right-of-way and that the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the described portion of the McComas Avenue public street right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2015-00061 proceeding to City Council for final action.
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way dedicated by separate instrument to the applicant's abutting property. This must be provided to Planning prior to VAC2015-00061 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (3) Dedicate the described vacated portion of McComas Avenue as a drainage-utility easements by separate instrument to cover all utilities. The original dedication must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (5) All improvements on the vacated portion of McComas Avenue shall be according to City Standards and at the applicants' expense.
- (6) The described vacated portion of McComas Avenue will remain open until the temporary traffic lights are installed and operating at the Walker and West Streets intersection.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the described portion of the McComas Avenue public street right-of-way. Provide Planning with a legal description of the vacated right-of-way on a Word document, via E-mail to be used on the Vacation Order. This must be provided to Planning prior to VAC2015-00061 proceeding to City Council for final action.
- (2) Provide a covenant, with original signatures, binding and tying the described vacated public street right-of-way dedicated by separate instrument to the applicant's abutting property. This must be provided to Planning prior to VAC2015-00061 proceeding to City Council for final action and subsequent recording with the Vacation Order at the Sedgwick County Register of Deeds and the Sedgwick County Appraisers Office.
- (3) Dedicate the described vacated portion of McComas Avenue as a drainage-utility easements by separate instrument to cover all utilities. The original dedication must be provided to Planning prior to VAC2015-00016 proceeds to City Council for final action and subsequent recording with the Register of Deeds.
- (4) Provide utilities with any needed project plans for the relocation of utilities for review and approval. Any relocation/reconstruction of utilities made necessary by this vacation shall be to City Standards and shall be the responsibility and at the expense of the applicants. Provide an approved project number(s) to Planning prior to the case going to City Council for final action.
- (5) All improvements on the vacated portion of McComas Avenue shall be according to City Standards and at the applicants' expense.
- (6) The described vacated portion of McComas Avenue will remain open until the temporary traffic lights are installed and operating at the Walker and West Streets intersection.
- (7) Per MAPC Policy Statement #7, all conditions are to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

BILL LONGNECKER, Planning Staff presented the Staff Report. He reported that a protest to the application has been received. He said staff has had discussion with various business owners in the area regarding how closing McComas Avenue will impact current access to and from their businesses. He specifically mentioned M-6 Concrete and Star Lumber.

DAILEY asked about access for emergency vehicles for EMS, Police and Fire if West Street is clogged up.

LONGNECKER referred the question to City Engineering.

GARY JANTZEN, CITY ENGINEER indicated that the Wichita Fire Department has looked at this and they have no problem with the proposed plan. He said it is not ideal, the Fire Department always wants as many points of access as they can get, but they did not indicate any concerns. He said from an engineering standpoint, he understands what Commissioner Dailey is asking but they rely on the expertise of the WFD.

DENNIS asked about the temporary stop light to allow folks to turn left on West Street.

JANTZEN stated that staff is working on installing a temporary signal at Walker and West Streets which should be operational by mid-March.

DENNIS requested clarification that if this street was not being vacated, the City would not have to install the temporary traffic signal. He also asked why the City is paying for this.

JANTZEN replied that the City would not be putting in a temporary signal if McComas Avenue was not being vacated. He commented that the answer as to why the City is paying for it is above his pay grade.

RICHARDSON clarified that this would be a temporary stop light.

JANTZEN indicated that the signal was temporary in the sense of how it is constructed. He said if it is determined that this is the best way to continue to deal with traffic maybe the signal will stay. He said if this solution works well they may rebuild this location as a permanent signal.

DAILEY commented that at the Subdivision Meeting the City Traffic Engineer indicated one temporary stop light has been in place for seven years.

JANTZEN indicated that City Staff will be looking at the West Street corridor down the road in the Capital Improvement Program (CIP). He said there has been discussion regarding the possibility of widening it to five lanes to accommodate all the traffic and movements. He said sometimes having signals in certain places does not help traffic flow and can impede it. He said they may find a better alternative and not leave the signal; they do not know yet.

DAILEY asked about the right-of-way along Knight Street. He said his thought was that the property owners could sell land along Walker Street. He said he thinks since Foley is getting a street they should provide a street for another exit out to Harry Street for convenience and emergency use.

JANTZEN indicated that there is platted right-of-way along Knight Street from Harry Street north. He indicated that there are some challenges with the idea of paving Knight Street. He said obtaining right-of-way is sometimes easier said than done. He said a metal building will have to be moved on a property and indicated the location on the aerial map. He said that doesn't mean it can't be done, but it would be a timing and cost issue regardless of who pays for it. He said from his perspective they need to focus on Walker and West Street and continue to look at paving Knight Street as a possible future option. He said right now there is not enough room to build a road to industrial standards (41 feet across).

MILLER STEVENS commented that a representative from the Urban Development Office was at the Subdivision Meeting and he indicated that “other options” besides paving Knight Street were being looked at. She asked what those options were.

JANTZEN said they have been talking with other businesses in the area, particular Star Lumber, about utilization of McCormick and whether it can accommodate the truck traffic. He said right now they believe the signal at Walker and West Street will be pretty effective. He said West Street carries a lot of traffic so there will be times of the day that the signal won’t work as well as others. He said they are also considering the option of utilizing Knight Street at some point in time. He said with the railroad going through the area there is not a lot that can be done without taking up a lot of private property. He said they are also looking at restriping West Street from Kellogg to Harry Street into three wide lanes, one lane in each direction with a center turning lane, to accommodate turning movements at Walker and West Street.

CHRIS BOHM, RUGGLES & BOHM, AGENT FOR THE APPLICANT introduced **LEWIS ERICKSON, CHIEF FINANCIAL OFFICER, FOLEY INDUSTRIES, 1550 SOUTH WEST STREET** who said he would briefly explain why this project was needed by Foley to remain in Wichita. He said he would be using the same presentation they gave to the Wichita City Council June 2, 2015 to request Industrial Revenue Bonds (IRB’s) for the proposed expansion, which the Council voted 7-0 to approve. He said they are celebrating 75 years in Wichita and have expanded to Park City, Topeka and Kansas City. He said company employment has grown from 300 to 950 people in the last five years. He said they are proposing a 160,000 square foot addition, plus renovation of existing space which equated to \$19 million in real property improvements and \$3 million new machinery and equipment. He referred to an aerial of the area which indicated the land they owned when the expansion proposal was presented to the City Council. He also showed the property they hoped to acquire for the expansion. He said the Council said if they owned property on both sides of McComas Avenue, they could vacate the street. He said they acquired the property on the east side of McComas Avenue after the City Council Meeting.

ERICKSON said building in Wichita was not a purely financial decision. He said if that were the case, they would have relocated their headquarters to Kansas City or Topeka. He said he is a Wichita State University alumnus and the business was started in Wichita 75 years ago. He said they have a lot of ties to the community and feel a certain loyalty to the people who helped the business grow. He briefly reviewed facilities that are located in both Kansas City and Topeka. He said there is pressure to move the business to Kansas City and mentioned several issues including location of their insurance company and the fact that the Kansas City facility was located in a Tax Increment Financing (TIF) zone.

ERICKSON said at the City Council they asked for three things: 1) Tax abatement; 2) Sales tax exemption (both of those to help with the costs of staying in Wichita); 3) architectural assistance. He added that they also asked for assistance to vacate McComas Avenue. He said they plan on putting in “dozer crosswalks” to go across McComas Avenue and dozers tend to tear up concrete. He added that they also plan on shaving the curbs along McComas Avenue so equipment can be moved back and forth across the street very easily. He said because the equipment moves very slowly, leaving McComas Avenue open as a public street would be a safety concern. He concluded by stating that security was also an issue since the area is crime ridden.

BOHM said he wanted to make a point or two about traffic. He referred to the signal at Walker and West Street and also the odd routes that go through the neighborhood. He mentioned going straight on Walker and south on Florence down to Harry Street as an option. He said the purpose of this request has come about after several years of planning. He mentioned that West Street is a major arterial providing traffic access for industrial users. He said as companies along the arterial want to expand it makes good sense that West Street is set up to handle that. He said there has been discussion about using other roads and building new roads and all of this is complicated by the construction at the interchange of Kellogg and West Street. He said it is difficult to do a traffic study because traffic patterns will be changing. He mentioned two meetings with surrounding property owners and City officials where the idea of a temporary traffic light at Walker and West was developed, which they think will serve the neighborhood well.

CHRIS GOEBEL, CHAIRMAN, CEO, STAR LUMBER SUPPLY said they operate a 27-acre, 17-building corporate distribution center and manufacturing facility with the main gate at McComas Avenue Street and Irving Avenue. He said they are pleased to see Foley grow in this location and have seen their plans a couple of times. He said he thinks it makes perfect business sense for them to request the vacation of McComas Avenue. He said as a 35+ year neighbor in this location their dilemma is they use McComas Avenue occasionally and now that the Kellogg intersection ramps at West Street will be closed, they are using McComas Avenue every hour of every day, so the timing of this request is tough for them. He said the 2015 gate log at McComas Avenue Street and Irving showed 72,000 vehicles last year, 16,000 of which were heavy, CDL type trucks. He said as far as how the trucks make movement, 90% of the time they will make right turns from Irving onto West Street and then either right or left onto Kellogg. He said early in the morning or late at night they can make those types of moves, but sometimes during the day they cannot because of traffic. He said they can either take a left on West Street down to Harry Street or go down McComas Avenue and turn left on Harry Street, which is the easiest. He said they could also go right on West Street and go to McCormick and make their way through Kansas Newman University campus. He said the problem for them is Newman is their neighbor and friend and they have asked them not to run truck traffic through the university campus. He said a truck slips through every once in a while because it is a public street. He said at the Subdivision meeting they did ask that the temporary signal at West Street be installed before the vacation of McComas Avenue. He said as long as that stays intact they are in support of the vacation request. He said they not sure what is going to happen with traffic flow once West Street is completely improved. It may be easier for their trucks to make right turns. He said their trucks will not jog over 2-3 miles to the next intersection unless they are forced to do that. He said they use the West Street interchange every chance they can unless there is an accident or road construction.

DAILEY asked about going across West Street to Florence Street and then down to Harry Street.

GOEBEL said they knew they could do that. He mentioned that West Street will be down to two through lanes for approximately 18 months, so they are going to have to maneuver much more than they do today.

TODD asked if the applicant delayed the vacation of McComas Avenue for 18 months if that would be helpful.

GOEBEL said he heard that the project would take approximately 18 months from the contractor.

JOHNSON asked the speaker if he would be in favor of making the light at West Street and McCormick permanent.

GOEBEL said the Traffic Engineer said it depends on how the traffic shakes out. He said he believes once the intersection is rebuilt at West Street with two through lanes, it is going to be a problem because traffic backs up to Harry Street now. He said they are trusting that Traffic Engineering is looking at some long term solutions and they understand that may take some time.

MCKAY asked for clarification on the 18 month time line and the signal at West St. and McCormick Streets.

GOEBEL said if Knight Street takes place, they are no different then they are today and maybe the temporary light could be removed. He said he personally believes rebuilding the West Street interchange to five lanes is the best solution, but that takes money.

CHAIR NEUGENT clarified that if item #6, which was the temporary signal, is installed then the speaker was supportive of the vacation request.

GOEBEL said yes.

J.D. MUNLEY, PRESIDENT/OWNER, M6 CONCRETE ACCESSORIES, 1030 SOUTH MCCOMAS AVENUE referred to his business on the aerial map located north on McComas Avenue including a warehouse to the east. He said the property was purchased with McComas Avenue being the secondary access. He said he told the Subdivision Committee that they are happy that Foley wants to expand in Wichita and are very supportive of that; however, they cannot commit institutional suicide. He said everyone is aware of what the traffic is like on West Street. He said they have approximately 90 pick-up trucks coming into and leaving their yard on a daily basis during the construction season from March through October. In addition, he said they have approximately 27 semis that are either leaving the yard or delivering materials to be unloaded. He said they want to be supportive of Foley's project, but can't in good conscience say they are for it if they are going to lose secondary access to their property. He said they have looked at this and talked to some realtors and they are worried about their property values and the fact that no one is going to want to buy a warehouse with one way in and out of it. He said this is a problem. He said he is willing to swallow hard and go a mile or two out of the way on a temporary basis in the name of progress; however, if you tell him that is a permanent thing that they have to do every day; they wouldn't be in this location. He said they have some issues even though they want to be supportive. He said they want the project and jobs in Wichita because they know how important jobs are in this day and age. He said they don't want to get crushed in this deal. He said another property owner was present at today's hearing with some of the same issues. He said Star has a secondary way out if they want to take it; he does not and that is an issue.

WARREN asked the speaker if he had an alternative to suggest?

MUNLEY said he has been fairly optimistic up to this point that Knight Street was a very real possibility, but realistically, he doesn't know if that is politically possible. He said if he was a City Councilman from the east side of town and you told him you were going to spend a million dollars out of the general fund for two companies; he would not vote for that. He said this is a problem because a couple of companies will become trapped by vacation of this street. He said the Commission is going to have to try to figure out what was the right thing to do on this. He said he has protested the request to guard himself legally. He said he can rescind the Protest Petition if a viable option is developed.

ELLISON asked about Foley's traffic. He asked what that consisted of because he feels that will compound the situation in his opinion.

CHAIR NEUGENT suggested the Commission come back to that question during the applicant's rebuttal.

MUNLEY added that they are okay with the temporary signal and making it a permanent signal as long as there are three lanes on West Street. He said City staff looked at how much of his land they would have to take to grow that intersection so it could handle semi-trucks and they would have to take 40-50% of the display and parking area in front of his building. He said if that happens because of West Street expansion down the road so be it, but to specifically take the land for this project that they get no benefit from and lose a lot, he has a problem with that.

RICHARDSON requested clarification on the exact location of the speaker's business. He said the speaker referred to one way in and one way out. He asked then the speaker doesn't count going up McComas Avenue to Irving Street.

MUNLEY admitted it was a way out but both of those ways deal with West Street traffic and there are certain times of the day that you can't turn left onto West Street.

RICHARDSON clarified that the speaker would be stuck with the signal at West Street and McComas Avenue and that he would like a way to Harry Street.

MUNLEY said yes because they can go to the light on Harry Street and West Streets now.

DAILEY mentioned crossing West Street and going south on Florence Street to Harry Street Street.

MUNLEY said it is inconvenient and costly, but it would be okay on a temporary basis. However, he added that without a secondary way to get out quicker, the City is asking them to sacrifice a lot of money over next 20 years for this project. He said he is between a rock and a hard place.

JOHNSON asked Mr. Munley how much time he has spent with the City regarding this issue.

MUNLEY commented that City Staff has been great, but part of his problem is that M6 Concrete hasn't known about the project. He said the sign on the fence is the first they have heard about it, so they have not had a lot of time to react and he is ticked off about that.

SCOT RIGBY, CITY OF WICHITA ASSISTANT CITY MANAGER mentioned meetings with members of the public present at this meeting. He said the area is a challenge because of the growth of Wichita and progress in the area. He said West Street is an active street which is a good thing in many ways. He said they are all in the business of creating more jobs for Wichita. He said the temporary signal was his suggestion and added that the City does not know how long that is going to be in place. He said he believes there is a project in the CIP about ten years out to improve the West Street corridor and it may come sooner or later depending on demand. He said the City looks at projects in the CIP and identifies if a project needs to move based on traffic and safety concerns. He said the City has made a commitment to the property owners to continue to look at the traffic situation in the area regardless of what happens with McComas Avenue. He said in general the City supports Foley's expansion and the request to vacate McComas Avenue. He said City Traffic Engineers will evaluate and monitor the situation and decide how to best improve traffic flow for the area.

TODD asked if there was any discussion about the City stepping up to the plate and acquiring right-of-way up to Walker Street and paving Knight Street.

RIGBY said they have looked at a number of options. He said they don't know if Knight Street is the true answer to the question. He said there are a lot of unknowns including the impact of Kellogg once it gets improved and what that will do to traffic. He said traffic patterns may change. He said they will continue to explore Knight Street as an option.

JOHNSON asked how much time is available before they are impacting Foley's potential expansion.

LEWIS ERICKSON, CHIEF FINANCIAL OFFICER, FOLEY INDUSTRIES said Foley has selected a general contractor and hoped to kick off construction in March, 2016.

JOHNSON asked how realistic is it to think that the City can come up with a solution to this problem within a month or so. He said he does not feel as a Commission they should be making a planning decision that is so detrimental to everyone concerned. He said it does not appear at this point in time that the City has a solution that is going to make everybody happy. He said Star seems to be okay temporarily but nothing is going to please M6 Concrete. He said he doesn't know how to approach the problem or how much time has been spent trying to find a solution.

RIGBY said Staff has spent considerable time over the last month and has held a couple of meetings with surrounding property owners. He said he does not have a firm answer as to what the solution might be. He said staff needs to evaluate the impact of the temporary intersection signalization. He said they also need to determine if Knight Street is a consideration. He said it is difficult for him to say if they will have a solution within the next two weeks that addresses everyone's concerns. He said the City has committed to continue to look at the situation, traffic patterns and circulation in the area.

DENNIS said he was a little disappointed in the City because they have known about this since June, 2015 when Foley presented their IRB request. He said everyone wants to support Foley, Star and M6 Concrete but the City has had since June, 2015 to come up with a plan to help these folks. He said it seems like the City should have a plan by now.

RIGBY he said the City has stepped forward and committed dollars to improve the intersection of West Street and Walker Street. He said they don't know the impact of these changes until Kellogg is done. He said they could do other improvements and then find out they misspent dollars because a problem was resolved because of Kellogg. He said the better way is to take incremental steps and find out if the traffic signal works or is less than effective. He said staff is working on it and within the last month other property owners in the area have come forward and expressed their concerns.

JOHNSON asked if he mischaracterized something that Mr. Munley said he and would like to hear him again. He said he believed Mr. Munley said there was no solution that he knows of that will satisfy him. He asked what Munley would be happy with.

MUNLEY said he doesn't expect to be fully satisfied in this. He said City Staff has been responsive and there will probably be more meetings after this hearing no matter how the Planning Commission votes. He asked if they could keep McComas Avenue temporarily open until staff figures out these long term questions. He said Foley may not want to commit to that. He said he wants to have more knowledge about what is going to happen two years from now. He said he is willing to work with staff and Foley to figure out how to fix this. He said he is not going to be totally happy but he is okay as long as any solution is reasonable.

BOHM said this is a wonderful situation to be in when you have businesses expanding in an industrial area and they have to address the issues of increased traffic with more people and product moving in and out of the area. He said there will be 18 months with Kellogg disrupted and there is time there to look at this corridor and determine if any change will allow others along that corridor to grow also. He concluded by saying that Mr. Erickson had some traffic numbers to report.

ERICKSON said that approximately 18,000 large trucks a year and 68,000 pickups are currently coming in off of West Street. He said he echoes what the representatives of M6 Concrete and Star said and that is the City has been great to work with. He said they don't want to cause anyone problems. He said they agreed in the Subdivision Committee meeting to not make the vacation effective immediately. He said they are open for other options. He said they would love a win/win/win situation, but it looks like it is becoming someone wins and someone loses and they would like to avoid that. He said anything they can do within reason they are happy to try.

MCKAY mentioned Foley's timetable and asked about the possibility that Foley do their construction work and let the other businesses utilize McComas Avenue. He asked about a completion date.

ERICKSON said they would be open to pushing the effective date of the vacation back. He said they are looking at completing the expansion project between March and April, 2017.

MCKAY commented if the City decides that they can utilize Knight Street, would Foley be willing to participate financially with buying the right-of-way or something to that effect since they are getting McComas Avenue vacated.

ERICKSON said they would be open to options on financial participation as long as they are not the only one.

DENNIS mentioned the previous conversation about installing crossings across McComas Avenue and asked Mr. Erickson to elaborate on that.

ERICKSON mentioned making improvements to the street to create a dozer “crosswalk” so the tracks don’t tear up the concrete. He said he does not know if that will create issues for general traffic. He said if the surrounding companies are willing to run their trucks over those crosswalks that opens up more options.

MCKAY suggested maybe the businesses in the neighborhood can work together and work something out.

DAILEY asked about the ownership list and if the notices were sent by Certified Mail.

LONGNECKER confirmed that M6 Concrete was on the ownership list so a notification letter was sent by regular U.S. Mail.

DOOL asked if Knight Street was put in, would a special assessment district be developed.

JANTZEN responded that was a great question and staff does not know the answer to that yet. He said historically a benefit district would be established by State Statute and those properties abutting Knight Street would pay for the cost of any improvements. He said he has seen some “hybrids” of that formula where the City has participated in the cost.

DAILEY commented since Foley is getting the street and the land under it. He asked why shouldn’t the people who are getting a street pay for a street. He asked staff what information they had on that and if that has been done in the past.

JANTZEN said he can’t say specifically if that has happened previously. He added that from an engineering standpoint he usually does not get involved in those types of negotiations. He mentioned that Foley said they are willing to participate. He said some type of partnership makes sense.

MOTION: To approve subject to the recommendation of the Subdivision Committee and staff recommendation to be effective February 1, 2017.

WARREN moved, **GOOLSBY** seconded the motion.

MCKAY said the Commission can’t do any negotiating but Foley did indicate they would be willing to work with the neighboring businesses and let them use the vacated street.

ERICKSON clarified that in addition to installing steel beams they will be removing curbs so wheeled equipment can go over them easily. He said if they can work on those things while the street is still being used, they would not object.

DENNIS suggested that the motion be amended to allow Foley to work on the street.

WARREN said he did not necessarily see that as part of the motion.

CHAIR NEUGENT said if the vacation is not effective until next year, then McComas Avenue is still a public street. She deferred to the City Attorney.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY said he believes the Commission, by deferment of the effective date of vacation, is allowing a private agreement to take place. He said once the street is vacated, the private agreements the Commission is referring to can take place because it would be restricted use on private property. He said while the street is not vacated, it is a public road. He commented that the City Council could close the street for the one year period.

CHAIR NEUGENT clarified that requesting that the City Council close the street to the general public and defer the effective date of the vacation request could be part of the motion.

MILLER STEVENS said there was a similar discussion along these lines at the Subdivision Committee Meeting and the Committee's concern was that McComas Avenue remain open as a public street until the temporary signal was operational at Walker and West Streets. Then leave it to Foley and the other businesses to work out any private negotiations on access to the property during construction or whatever between themselves. She said the Planning Commission can't make those decisions for them, but what they do have control over is deferring the vacation request until the temporary signal is functional at West and Walker Streets.

SUBSTITUTE MOTION: To approve the vacation request effective when the temporary signal is installed and functional at West and Walker Streets; and that the applicant enter into a private agreements with the surrounding businesses for access to the vacated street.

MCKAY moved, **DOOL** seconded the motion.

JOHNSON said he was concerned about security during construction if McComas Avenue is left open.

ERICKSON said once McComas Avenue is vacated, they could gate it. He said they would like to fence the whole perimeter of their property and put a gate on the north and south of McComas Avenue. He said they could then enter into agreements that other business's trucks could use the street until the March, 2017 timeframe.

JOHNSON said he would feel better about the vote if the Commission knew what the private agreements are going to be and that they will be intact.

VANZANDT commented that the Planning Commission cannot require that the applicant enter into private agreements. He said that is an issue with the substitute motion. He mentioned the possibility of using the language "encourage" use of private agreements, but the Board does not have the ability to mandate that.

The **SUBSTITUTE MOTION WAS AMENDED** to "encourage" the applicant to enter into private agreements with the surrounding businesses for access to the vacated street.

DENNIS said if the Commission is encouraging a private agreement, the applicant needs to understand that they are taking on some liability for allowing people to cross their land. He wanted to know if they were willing to accept that liability.

ERICKSON thanked Commissioner Dennis for that reminder. He said they believe they can work out some kind of an agreement with the neighbors that will indemnify them.

DIRECTOR MILLER clarified so the vacation will be deferred but in the meantime, to address the insurance or liability issues, the applicant could ask the City Council to close the street to the public and work out an agreement with those businesses who need to use it.

FOSTER said he wanted to insure that there was an understanding in this discussion and thought process that the extension of the vacation request was to develop a long term solution in the area. He said if the private agreements end and there has been no solution, than nothing has been accomplished.

MCKAY said the Planning Commission's task is to either vacate or not vacate the street. He said how the applicant does all the other things is up to them. He said the Commission can make suggestions and encourage the neighbors to work together. He said the intent of his motion was to let the applicant have the vacation and control access to the street, which is different from what Director Miller stated.

CHAIR NEUGENT reiterated the **SUBSTITUTE MOTION** to grant the vacation request depending on when the temporary signal is completed at Walker and West Streets; and encourage businesses to make private agreements for street access for approximately one year from when the signal is installed at Walker and West Street.

JOHNSON said once the Commission grants the vacation, the other parties have no negotiating power so that is why he can't support that motion.

TODD said he thinks a date needs to be added.

MCKAY commented they can't dictate to the City when the signal needs to be installed.

FOSTER asked if the motion allows for adjacent property owners to cross the applicant's property.

VANZANDT said once the property is vacated it becomes private property and can only be crossed with the applicant's permission.

JOHNSON commented by letting the neighbors use the street the applicant is deferring their inconvenience for another year. He said that still does not solve the problem. In the meantime, the City will work with the neighbors to find a permanent solution. He said he is hesitant because he felt now was the time to come up with a permanent solution if they want the entity getting the benefit of the street closure to participate.

It was voted 14-0 to **CALL THE SUBSTITUTE MOTION**.

SUBSTITUTE MOTION carried 13-1. **DAILEY** – No.

PUBLIC HEARINGS

4. **Case No.: CON2015-00037 (Deferred from 1-7-16 MAPC)** - BOOP, LLC (owner); Flint Hills Materials (applicant) and K.E. Miller Engineering, c/o Kirk Miller (agent) request a County Conditional Use permit for an Asphalt Plant or Concrete Plant on LI Limited Industrial zoned property, generally located on the west side of Woodlawn Boulevard/63rd Street East and 1/2 mile north of K-254.

CHAIR NEUGENT reported that the case had been withdrawn.

5. **Case No.: ZON2015-00052** - Paul D. & Virginia M. Treadwell; R. Brandon Wilson; H. Wayne & Glenda R. Foster and Robert and Jeanneane M. Hall (owners/applicants) and MKEC Engineering, Inc., c/o Brian Lindebak (agent) request City zone change from SF-5 Single-family Residential and GC General Commercial to LI Limited Industrial.

CHAIR NUGENT announced that the item had been deferred to the February 4, 2016 meeting.

6. **Case No.: CON2015-00039** - Gordon and Hanh Norris request a City Conditional Use permit to allow outdoor vehicle and equipment sales on LC Limited Commercial zoned property.

CHAIR NUGENT announced that the item had been withdrawn.

NON-PUBLIC HEARING ITEMS

The Metropolitan Area Planning Commission adjourned at 3:55 p.m.

Workshop Session

State of Kansas)
Sedgwick County) ss

I, W. Dale Miller, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2016.

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)